

Notice of Allowability

Application No.

10/777,241

Examiner

Daniel Swerdlow

Applicant(s)

NIEDERDRANK ET AL.

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 13 June 2007.
2. ☒ The allowed claim(s) is/are 1,2 and 5-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL..

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

In claim 2, replace "data transmission device" with --hearing aid-- in the first line.

In claim 5, replace "data transmission device as claimed in claim 4" with --hearing aid as claimed in claim 1-- in the first line.

In claim 6, replace "data transmission device" with --hearing aid-- in the first line.

In claim 7, replace "data transmission device" with --hearing aid-- in the first line.

In claim 8, replace "data transmission device" with --hearing aid-- in the first line.

In claim 9, replace "data transmission device as claimed in claim 4" with --hearing aid as claimed in claim 1-- in the first line.

In claim 10, replace "data transmission device" with --hearing aid-- in the first line.

In claim 11, replace "data transmission device" with --hearing aid-- in the first line.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:
3. Regarding Claim 1, US Patent 5,721,783 to Anderson discloses a hearing aid (Fig. 1, reference 10; Fig. 8; column 3, lines 52-60) that includes an RF transceiver (Fig. 1, reference 13)

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that corresponds to the data transmission device claimed and comprises: an oscillator (Fig. 8, reference 835) that is modulated (column 12, lines 20-24) to generate a reply signal that corresponds to the alterable transmission signal claimed (column 12, lines 24-38); and an antenna and resonator configuration (Fig. 4, reference 40, 41, 42) that includes a coil (Fig. 4, reference 41, 42) and is used for both interrogation and reply (i.e., transmission and reception) (column 11, lines 31-35). US Patent 6,118,378 to Balch et al. discloses a transceiver circuit (Fig. 3) that uses a single coil as an antenna for transmission and reception (column 7, lines 25-37). US Patent 6,828,868 to Sano discloses an oscillating circuit (Fig. 5) comprising a current source, differential pair and current mirror configuration (Fig. 5, reference I0, M1, M2, M3, M4; column 3, lines 26-59; column 4, lines 9-18) that corresponds to the actuation circuit claimed. However, the oscillating circuit discloses in Sano does not deliver energy only doing a negative or positive half-cycle, as claimed. Because the prior art does not disclose every element of the claimed invention, the claim is allowable.

4. Claims 2 and 5 through 11 are allowable due to dependence from Claim 1.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Swerdlow
Primary Examiner
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ds
21 June 2007